

1 JEFF S. WESTERMAN (SBN 94559)  
2 SABRINA S. KIM (SBN 186242)  
3 MILBERG WEISS LLP  
4 One California Plaza  
5 300 S. Grand Avenue, Suite 3900  
6 Los Angeles, CA 90071-3149  
7 Telephone: (213) 617-1200  
8 Facsimile: (213) 617-1975  
9 Email: jwesterman@milbergweiss.com  
10 skim@milbergweiss.com

7 Attorneys for Plaintiff Lori Barrett and the Class

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13 DONALD WORTMAN, WILLIAM ) Case No. CV 07-5634 CRB  
14 ADAMS, MARGARET GARCIA, )  
15 individually and on behalf of all others ) DECLARATION OF JEFF S.  
similarly situated, ) WESTERMAN IN SUPPORT OF  
16 Plaintiffs, ) ADMINISTRATIVE MOTION TO  
17 vs. ) CONSIDER WHETHER CASES  
18 AIR NEW ZEALAND, LTD., et al. ) SHOULD BE RELATED (Civil Local  
19 Defendants. ) Rules 3-12 & 7-11)  
20 \_\_\_\_\_ )  
21 This Document Relates to: )  
22 *Barrett vs. Qantas Airways Limited, et. al.* )  
Case No. CV 08-1140 EMC )

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BE RELATED  
CASE NO. CV 07-5634 CRB  
DCCB/1000014

CASE NO. CV 07-5634 C.R.B.

CASE NO. CV 07-5054 CRB

DOCS\429031V1

1 I, Jeff S. Westerman, declare as follows:

2       1. I am a partner with the firm of Milberg Weiss LLP and am a member in good  
 3 standing of the State Bar of California. This Declaration is based on personal knowledge, except  
 4 where specified that information is based on information and belief, and if called to testify, I  
 5 could and would do so competently as to the matters set forth herein. I am counsel for Plaintiff  
 6 Lori Barrett and the Class. I submit this Declaration in support of Plaintiff's Administrative  
 7 Motion to Consider Whether Cases Should be Related.

8       2. Attached hereto as Exhibit A is a true and correct copy of the complaint entitled  
 9 *Barrett et al. v. Qantas Airways Limited, et. al.*, Case No. CV 08-1140 EMC ("Barrett"), the  
 10 *Barrett* action alleges a conspiracy to fix, raise, maintain and stabilize the price of passenger air  
 11 transportation services containing transpacific flight segments in violation of Section 1 of the  
 12 Sherman Act, 15 U.S.C. §1.

13       3. The *Barrett* action is a proposed class action on behalf of purchasers of passenger  
 14 air transportation services containing transpacific flight segments from defendants. Like  
 15 *Wortman, et al. v. Air New Zealand, Ltd., et al.*, Case No. CV 07-5634 EMC ("Wortman"), the  
 16 *Barrett* action alleges a conspiracy to fix, raise, maintain and stabilize the price of passenger air  
 17 transportation services containing transpacific flight segments in violation of Section 1 of the  
 18 Sherman Act, 15 U.S.C. §1.

19       4. On January 23, 2008, Judge Breyer entered an order relating the *Wortman* action  
 20 and (1) *Abrams v. Air New Zealand, et al.*, Case No. CV 08-0339 CRB ("Abrams"), filed in the  
 21 Northern District of California on January 17, 2008; (2) and on February 12, 2008 an order  
 22 relating *Kaufman v. Air New Zealand, et al.*, Case No. CV 07-6417 CRB ("Kaufman"), filed in  
 23 the Northern District of California on December 19, 2007; (3) and on February 19, 2008 an order  
 24 relating *Evans v. Air New Zealand, et al.*, Case No. CV 07-5821 CRB ("Evans"), filed in the  
 25 Northern District of California on November 15, 2007; (4) and on February 25, 2008 an order  
 26 relating *Foy v. Air New Zealand, et al.*, Case No. CV 07-6219 CRB ("Foy"), filed in the  
 27 Northern District of California on December 7, 2007.

28 WESTERMAN DECL. IN SUPPORT OF ADMIN MTN TO CONSIDER WHETHER CASES SHOULD  
 BE RELATED

CASE NO. CV 07-5634 CRB

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5. Like the *Wortman, Abrams, Kaufman, Evans* and *Foy* actions, the *Barrett* action alleges that defendants engaged in a conspiracy to fix the prices for passenger air transportation service containing transpacific flight segments.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 10th day of March 2008 at Los Angeles, California.

/s/ JEFF S. WESTERMAN  
JEFF S. WESTERMAN

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071.

2. That on March 10, 2008, declarant served the DECLARATION OF JEFF S. WESTERMAN IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED (CIVIL LOCAL RULES 3-12 & 7-11) by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

4. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
10th day of March, 2008, at Los Angeles, California.

  
Elizabeth Villalobos  
ELIZABETH VILLALOBOS

**SERVICE LIST**

1  
2 *Wortman et al. v. Air New Zealand et al*  
**USDC, Northern Dist. No. CV 07-5634 CRB**

3 Jeff S. Westerman  
4 Sabrina S. Kim  
MILBERG WEISS LLP  
5 300 South Grand Ave, Suite 3900  
Los Angeles, CA 90071  
6 Tel: (213) 617-1200  
Fax: (213) 617-1975  
7 Email: jwesterman@milbergweiss.com  
skim@milbergweiss.com

*Attorneys for Third Party Plaintiffs*

8 Joseph W. Cotchett  
9 Aron K. Liang  
Nanci Eiko Nishimura  
10 Douglas Yongwoon Park  
Neil Swartzberg  
Steven Noel Williams  
11 COTCHETT PITRE & MCCARTHY  
840 Malcolm Road, Suite 200  
12 Burlingame CA 94010  
Tel: (650) 697-6000  
13 Fax: (650) 697-0577  
Email: jcotchett@cpmlegal.com  
aliang@cpmlegal.com  
nnishimura@cpmlaw.com  
nswartzberg@cpmlaw.com  
swilliams@cpmlegal.com

*Attorneys for Plaintiffs Donald Wortman,  
William Adams and Margaret Garcia*

17 Aaron M. Sheanin  
18 GIRARD GIBBS LLP  
601 California Street, Suite 400  
San Francisco, CA 94108  
19 Tel: (415) 981-4800  
Fax: (415) 981-4846  
20 Email: ams@girardgibbs.com

21 Richard Pollard Kinnan  
Elizabeth Lane Crooke  
22 Walter J. Lack  
ENGSTROM, LIPSCOMB & LACK  
10100 Santa Monica Blvd., 16<sup>th</sup> Floor  
23 Los Angeles, CA 90067  
Tel: (310) 552-3800  
24 Fax: (310) 552-9434  
Email: bcrooke@elllaw.com

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26  
27  
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1 Derek G. Howard  
 2 MURRAY & HOWARD, LLP  
 3 436 14<sup>th</sup> Street , Suite 1413  
 4 Oakland, CA 94612  
 Tel: (510) 444-2660  
 Email: dhoward@murrayhowardlaw.com

*Attorney for Plaintiff Brenden G. Maloof*

5 Reginald Von Terrell  
 THE TERRELL LAW GROUP  
 6 223 25th Street  
 Richmond, CA 94804  
 7 Tel: (510) 237-9700  
 Fax: (510) 237-4616  
 8 Email: reggiet2@aol.com

*Attorney for Plaintiff Robert Casteel, III*

9 Craig C. Corbitt  
 ZELLE, HOFMANN, VOELBEL, MASON  
 10 GETTE LLP  
 11 44 Montgomery Street, Suite 3400  
 San Francisco, CA 94104  
 Tel: (415) 693-0700  
 12 Fax: (415) 693-0770  
 Email: ccorbitt@zelle.com

*Attorney for Plaintiff Micah Abrams*

13 Jon T. King  
 COHEN, MILSTEIN, HAUSFELD  
 14 TOLL PLLC  
 One Embarcadero Center, Suite 2440  
 15 San Francisco, CA 94111  
 Tel: (415) 229-2080  
 16 Fax: (415) 986-3643  
 Email:jking@cmht.com

*Attorney for Plaintiff Rachel Diller and Trong Nguyen*

18 Adam Paul Brezine  
 HOLME ROBERTS & OWEN  
 19 One Maritime Plaza, Suite 2400A  
 San Francisco, CA 94111  
 Tel: (415) 268-2000  
 20 Fax: (415) 268-1999  
 Email: adam.brezine@hro.com

*Attorneys for Defendant All Nippon Airways*

22 Dean Michael Harvey  
 Kenneth Fisher Rossman  
 John F. Cove, Jr.  
 23 BOIES, SCHILLER & FLEXNER LLP  
 1999 Harrison Street, Suite 900  
 24 Oakland, CA 94612  
 Tel: (510) 874-1201  
 25 Email: krossman@bsflp.com  
 dharvey@bsflp.com  
 jcove@bsflp.com

*Attorneys for Defendant Northwest Airlines*

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 28 WESTERMAN DECL. IN SUPPORT OF ADMIN MTN TO CONSIDER WHETHER CASES SHOULD  
 BE RELATED  
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 DOCS\429031v1

1 Mario Zunzio Alioto  
2 Lauren Clare Russell  
3 Trump Alioto Trump & Prescott LLP  
4 2280 Union Street  
5 San Francisco, CA 94123  
6 Tel: (415) 563-7200  
7 Fax: (415) 346-0679  
8 Email: malioto@tatp.com  
9 laurenrussell@tatp.com

*Attorneys for Interested Party Martin Kaufman*

10 Joseph Marid Patane  
11 Law Office of Joseph M. Patane  
12 2280 Union Street  
13 San Francisco, CA 94123  
14 Tel: (415) 563-7200  
15 Fax: (415) 346-0679  
16 Email: jpatane@tatp.com